

**RECEIVED
CENTRAL FAX CENTER**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 16 2005

23448

FACSIMILE TRANSMISSION CERTIFICATE
Fax No. (571) 273-8300

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Mail Stop: Amendment Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on **December 16, 2005**, to United States Patent and Trademark Office facsimile transmission number (571) 273-8300.

2

Steven J. Hultquist

December 16, 2005

**RESPONSE TO NOVEMBER 17, 2005 RESTRICTION REQUIREMENT IN U.S.
PATENT APPLICATION NO. 10/723,777**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

BEST AVAILABLE COPY

4237-101

In the Office Action dated November 17, 2005, a restriction requirement was imposed under 35 U.S.C. §121 against claims 1-39 as containing patently distinct species of humectant and emollient, and the applicant was required to elect single disclosed species for each of such ingredients.

In response, applicant hereby elects species 1, humectant, and specifies urea as a single disclosed species of humectant.

The claims readable on such humectant urea are claims 1-5, 8-16, 18-30, 32-33 and 35-39.

It is not apparent from the wording in the Office Action if the examiner is concurrently requesting applicant to identify a single disclosed species of emollient, but for the avoidance of doubt, applicant hereby specifies Shea butter (*Butyrospermum Parkii*)as a single disclosed species of emollient, and identifies claims 1-39, as readable thereon.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicant

INTELLECTUAL PROPERTY/
TECHNOLOGY LAW
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4237-101

The U.S. Patent and Trademark Office is hereby authorized to charge any amount necessary to the entry of this response, to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.